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IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 3509 OF 2003

PETITIONER (APPELLANT) : Goha Ram, son of Mohan Ram, aged about 60 years, resident of Village-Kestara,Tehsil and District-Jashpur,(C.G.)

V E R S U S

RESPONDENTS ORIGINAL NON-APPLICANTS :

1. Smt. Jagpati Bai, wife of Shri Nand Kumar Ram, resident of Village-Khoksobenjora, Tehsil and District-Jashpur, (C.G.)

2. The Tehsildar, Manora,District-Jashpur,(C.G.)

3. The Sub Divisional Officer, (Revenue),Jashpur,(C.G.)

4. The Revenue Board,Chhattisgarh, Bilaspur,(C.G.)

P. R. No. 3357/03
Presented by Shri R.K. Agrawal
dated 26.10.03

226

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

COPY

(25)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3509 [illegible] 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2-1-2004	

Shri Malay Kumar Bhaduri, counsel for the petitioner.

Shri Sunil Sinha, Additional Advocate General takes notice for respondents 2,3 and 4.

Heard on admission.

By this petition filed under Articles 226/227 of the Constitution of India, the petitioner has challenged the order dated 18-9-2003 passed by the Board of Revenue, Bilaspur by which the second appeal filed by the petitioner bearing number 7/A-70/2002-2003 has been dismissed.

Brief facts leading to filing of this petition are that the agricultural land bearing Khasra No.29, total area 4.193 hactres of village Kesara, P.H. No. 14, R.N. Circle Manora, Tehsil Jashpur was purchased by respondent No.1 from her mother Smt. Rikhibai through the registered sale deed dated 7-8-95 and accordingly vide order dated 28-2-97 the name of the respondent No.1 was entered in the revenue records in place of her mother Rikhibai. Against that order the petitioner moved an appeal which was dismissed by the S.D.O. vide order dated 15-9-98 and confirmed the order passed by the Naib Tehsildar dated 28-2-97. Thereafter respondent No.1 filed an application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 before Tehsildar. The Tehsildar

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

after hearing the parties passed an order dated 5-11-2001 against which the petitioner moved an appeal before the S.D.O., Jashpur Nagar and in turn the S.D.O. dismissed the appeal vide order dated 9-10-2002. Against which the second appeal petitioner moved/before the Revenue Board which came to be dismissed bythe Revenue Board.

A perusal of the last paragraph of the impugned order shows that the petitioner has moved the Civil Judge, Class-II Jashpur Nagar and filed a suit before that Court for declaration and title on the land in question and also for declaration of null and void of the sale deed dated 7-8-95 executed by the mother of respondent No.1 and also for setting aside the order passed by the S.D.O. dated 15-9-98 and also seeking order for maintaining the possession of the petitioner and permanent injunction against respondent No.1. The Revenue Board reached to the conclusion that since the petitioner has already moved before the Civil Court for declaration of the title and the orders of the Tehsildar and S.D.O. are based on the records and, therefore, in the second appeal those orders cannot be set-aside.

During the course of arguments, learned counsel for the petitioner very frankly admitted that the temporary injunction application has already beenrejected by the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

27

आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Civil Court. In view of the above, the petitioner has already filed the civil suit as mentioned in the previous part of this order, I am of the opinion that the petitioner has not been able to make out a case for exercising of extraordinary jurisdiction by the Court under Articles 226/227 of the Constitution of India. Therefore, this petition is liable to be dismissed and the same is dismissed. Sd/- L.C. Bhadoo Judge Barve/	

[पीछे देखिये